

NOTICE OF OBJECTION TO CONFIRMATION

THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS SUCCESSION INDENTURE TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS INDENTURE TRUSTEE FOR THE CWABS REVOLVING HOME EQUITY LOAN ASSET BACKED NOTES, SERIES 2004-R has filed papers with the Court to object to the Confirmation of the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to object to the Confirmation of the Chapter 13 Plan, or if you want the Court to consider your views on the Objection, then on or before December 6, 2018, you or your attorney must:

1. File with the Court an answer, explaining your position at:

**Clerk
U.S. Bankruptcy Court
50 Walnut Street, 3rd Floor
Newark, NJ 07102**

If you mail your response to the Court for filing, you must mail it early enough so that the Court will *receive* it on or before the date stated above.

You must also mail a copy to:

PHELAN HALLINAN DIAMOND & JONES, PC
400 FELLOWSHIP ROAD, SUITE 100
MT. LAUREL, NJ 08054

MARIE-ANN GREENBERG, TRUSTEE
30 TWO BRIDGES ROAD, SUITE 330
FAIRFIELD, NJ 07004

2. Attend the hearing scheduled to be held on December 13, 2018 at 8:30 AM in the NEWARK Bankruptcy Court, at the following address:

**U.S. Bankruptcy Court
50 Walnut Street, 3rd Floor
Newark, NJ 07102**

If you or your attorney do not make these steps, the Court may decide that you do not oppose the relief sought in the Objection and may enter an Order granting that relief.

Date: November 8, 2018

/s/ Nicholas V. Rogers
Nicholas V. Rogers, Esq.
Phelan Hallinan Diamond & Jones, PC
400 Fellowship Road, Suite 100
Mt. Laurel, NJ 08054
Tel: 856-813-5500 Ext. 42689
Fax: 856-813-5501
Email: nicholas.rogers@phelanhallinan.com

File No. 817161

Phelan Hallinan Diamond & Jones, PC

400 Fellowship Road

Mt. Laurel, NJ 08054

856-813-5500

FAX Number 856-813-5501

THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS SUCCESOR
INDENTURE TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS INDENTURE TRUSTEE
FOR THE CWABS REVOLVING HOME EQUITY LOAN ASSET BACKED NOTES, SERIES
2004-R

In Re:

BISHOP D. HAMILTON

Debtor

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY
NEWARK VICINAGE

Chapter 13

Case No. 18-29090 - JKS

Hearing Date: December 13, 2018 at 8:30 AM

The undersigned, Phelan Hallinan Diamond & Jones, PC, attorneys for Secured Creditor, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS SUCCESOR INDENTURE TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS INDENTURE TRUSTEE FOR THE CWABS REVOLVING HOME EQUITY LOAN ASSET BACKED NOTES, SERIES 2004-R, the holder of a Mortgage on Debtor's residence located at 95 -97 IVY STREET, NEWARK, NJ 07106 hereby objects to the Confirmation of the Debtor's proposed Chapter 13 Plan on the following grounds:

1. Secured Creditor is in the process of drafting and filing a Proof of Claim. The approximate arrears are \$25,689.94.
2. Debtors' Plan fails to cure the delinquency pursuant to 11 U.S.C. §1322(b)(5).
3. Debtor's plan provides for payment of arrears in the amount of \$9,000.00.
4. Secured Creditor objects to Debtor's Plan as it is underfunded. Debtor's Plan should be amended to fully fund the arrears owed to Secured Creditor. Absent a modification by the Debtor, confirmation of Debtor's proposed Plan should be denied.
5. Additionally, Debtor's Plan fails to provide for the full monthly post-petition payment owed to Secured Creditor under the terms of the Note and Mortgage. Secured Creditor objects to

any post-petition payment amount less than the full amount required. Accordingly, confirmation of Debtor's proposed Plan should be denied.

WHEREFORE, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS SUCCESOR INDENTURE TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS INDENTURE TRUSTEE FOR THE CWABS REVOLVING HOME EQUITY LOAN ASSET BACKED NOTES, SERIES 2004-R respectfully requests that the Confirmation of Debtor's Plan be denied.

/s/ Nicholas V. Rogers

Nicholas V. Rogers, Esq.

Phelan Hallinan Diamond & Jones, PC

400 Fellowship Road, Suite 100

Mt. Laurel, NJ 08054

Tel: 856-813-5500 Ext. 42689

Fax: 856-813-5501

Email: nicholas.rogers@phelanhallinan.com

Dated: November 8, 2018

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

817161
Phelan Hallinan Diamond & Jones, PC
400 Fellowship Road, Suite 100
Mt. Laurel, NJ 08054
856-813-5500
Attorneys for THE BANK OF NEW YORK MELLON
FKA THE BANK OF NEW YORK AS SUCCESOR
INDENTURE TRUSTEE TO JPMORGAN CHASE
BANK, N.A., AS INDENTURE TRUSTEE FOR THE
CWABS REVOLVING HOME EQUITY LOAN
ASSET BACKED NOTES, SERIES 2004-R

In Re:

BISHOP D. HAMILTON

Case No: 18-29090 - JKS

Hearing Date: December 13, 2018 at
8:30 AM

Judge: JOHN K. SHERWOOD

Chapter: 13

CERTIFICATION OF SERVICE

1. I, ALEXIS FISHER:

☐ represent the _____ in the above-captioned matter.

☒ am the secretary/paralegal for Phelan Hallinan Diamond & Jones, PC,
who represents THE BANK OF NEW YORK MELLON FKA THE BANK
OF NEW YORK AS SUCCESOR INDENTURE TRUSTEE TO
JPMORGAN CHASE BANK, N.A., AS INDENTURE TRUSTEE FOR THE
CWABS REVOLVING HOME EQUITY LOAN ASSET BACKED NOTES,
SERIES 2004-R in the above captioned matter.

☐ am the _____ in the above case and am representing
myself.

2. On November 13, 2018 I sent a copy of the following pleadings and/or documents to the parties listed below:

Objection to Plan

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: November 13, 2018

/s/ ALEXIS FISHER
ALEXIS FISHER

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
BISHOP D. HAMILTON 95 IVY STREET NEWARK, NJ 07106	Pro Se Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
MARIE-ANN GREENBERG, TRUSTEE CHAPTER 13 STANDING TRUSTEE 30 TWO BRIDGES RD SUITE 330 FAIRFIELD, NJ 07004	Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
U.S. TRUSTEE US DEPT OF JUSTICE OFFICE OF THE US TRUSTEE ONE NEWARK CENTER STE 2100 NEWARK, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.